

**Amend Section 46156 of the Oil Spill Response, Prevention, and Administration Fee Law to authorize the Board to grant relief of the penalty for failure to file an information report for the Oil Spill Response Fee. (Housekeeping)**

**Source: Fuel Taxes Division**

Under the existing Oil Spill Response, Prevention, and Administration Fee Law, Section 46154.1 of the Revenue and Taxation Code allows for a penalty of five hundred dollars (\$500) if the annual information return for the Oil Spill Response Fee is not filed on time.

Section 46156 of the Oil Spill Response, Prevention, and Administration Fee Law provides that if the Board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty as provided in specified sections.

In 2000, when Section 46154.1 was added to the Oil Spill Response, Prevention, and Administration Fee Law, Section 46156 should have been amended to include a reference to Section 46154.1 among the penalties that may be relieved by the Board.

Consistent with other fees and taxes administered by the Board, this proposal would allow the Board, under certain circumstances, to relieve the feepayer of the penalty for failure to make a timely information return when such failure is due to reasonable cause and circumstances beyond the persons control.

*Section 46156 of the Revenue and Taxation code is amended to read:*

46156. (a) If the board finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty provided by Sections 46154, 46154.1, 46160, 46251, and 46356.

(b) Except as provided in subdivision (c) any person seeking to be relieved of the penalty shall file with the board a statement, under penalty of perjury, setting forth the facts upon which he or she bases his or her claim for relief.

(c) The board shall establish criteria that provide for efficient resolution of requests for relief pursuant to this section.